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NORTHERN DISTRICT OF CALIFORNIA

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FOSS and JOAN SEBASTIANI

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

VIDEO GAMING TECHNOLOGIES,  
INC., dba VGT, Inc., a Tennessee  
Corporation; WIND Youth Services, a  
California Non-Profit Corporation;  
UNITED CEREBRAL PALSY OF  
GREATER SACRAMENTO, a California  
Non-Profit Corporation; ROBERT FOSS,  
an individual; and JOAN SEBASTIANI,  
an individual,

Plaintiffs,

v.

BUREAU OF GAMBLING CONTROL, a  
law enforcement division of the California  
Department of Justice; MATHEW J.  
CAMPOY, in his official capacity as the  
Acting Chief of the Bureau of Gambling  
Control,

Defendants.

CASE NO. **CV 08 2748**  
DECLARATION OF DOUG BERGMAN IN  
SUPPORT OF PLAINTIFFS' MOTION FOR  
TEMPORARY RESTRAINING ORDER AND  
FOR ORDER TO SHOW CAUSE FOR  
PRELIMINARY INJUNCTION

Date:  
Time:  
Dept.:  
Judge:

1  
2 I, Doug Bergman, declare as follows:

3 1. I am the President and CEO of United Cerebral Palsy of Greater Sacramento  
4 ("UCP Sacramento"). I submit this declaration in support of plaintiffs' Motion for a Temporary  
5 Restraining Order and for Order to Show Cause for Preliminary Injunction. Except for the items  
6 stated on information and belief, I have personal knowledge of the facts set forth in this  
7 declaration, and could and would competently testify thereto.

8 2. UCP Sacramento is a 501(c)(3) charity corporation whose mission is to provide  
9 programs and services that improve the independence, productivity, and quality of life of people  
10 with cerebral palsy and other developmental disabilities and their families. UCP Sacramento was  
11 founded in 1955 and now runs 13 different programs that serve more than 1400 individual clients.

12 3. UCP derives substantial and important revenues from bingo fundraisers that it  
13 holds regularly at bingo halls in the Sacramento area. To fund many of its programs, UCP  
14 Sacramento relies in part on bingo fundraisers held regularly at the Sacramento Bingo Center in  
15 Sacramento County. Except for overhead expenses, all bingo revenue is used by UCP  
16 Sacramento for charitable purposes.

17 4. These bingo fundraisers use electronic bingo aids including those manufactured by  
18 Video Gaming Technologies, Inc. ("VGT"). UCP Sacramento derives a substantial portion of the  
19 revenue from its bingo events from the electronic bingo aids.

20 5. I have seen a copy of a cease-and-desist notice served by the California Attorney  
21 General's Bureau of Gambling Control ("Bureau") on the Sacramento Bingo Center on May 8,  
22 2008, which claims that several electronic bingo aids manufactured by VGT violate state law. I  
23 am informed and believe that the Bureau interprets state law to require paper or cardboard bingo  
24 cards and thus that it is seeking to prevent the use of electronic bingo aids in Sacramento County.

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1           6.     If electronic bingo aids like those manufactured by VGT are no longer permitted in  
2     Sacramento County, then UCP could only engage in human-called paper bingo games at its bingo  
3     fundraisers. I am informed and believe, however, that human-called paper bingo is not profitable  
4     at our fundraisers, and in fact operates at a loss. Human-called paper bingo carries significant  
5     operating costs that generally outweigh revenue both because of the slower pace of human-called  
6     paper bingo and because it draws fewer customers than electronic bingo. In addition, it is a  
7     serious difficulty to consistently maintain the number of volunteers required to operate human-  
8     called paper bingo at fundraisers. For all of these reasons, exclusive use of human-called paper  
9     bingo is not a viable method to consistently raise significant funds for UCP Sacramento. If  
10    electronic bingo aids are prohibited, it would effectively prevent UCP Sacramento from hosting  
11    bingo fundraisers altogether.


12           7.     Even a temporary disruption in the ability to use electronic bingo aids at our  
13    fundraisers likely would have long-term negative effects on our fundraising capacity. Bingo  
14    players likely would go elsewhere for entertainment and it would be difficult for UCP to once  
15    again generate the clientele necessary to make its bingo fundraisers a worthwhile program.

16           8.     One of UCP Sacramento's important programs is "Saddle Pals." Saddle Pals is a  
17    therapeutic horsemanship program that provides services to individuals with physical or  
18    developmental disabilities. The program began in 1993 and is accredited through the North  
19    American Riding for the Handicapped Association (NARHA). Saddle Pals relies almost  
20    exclusively on funding from UCP's bingo fundraisers. If UCP were not able to raise money  
21    through bingo fundraisers containing electronic bingo aids, the Saddle Pals program most likely  
22    would have to be eliminated, to the serious detriment of both UCP and its clients.

23           9.     Another reason electronic bingo aids are important at our charity bingo fundraisers  
24    is that more people can access these machines, including disabled individuals. I personally have  
25    seen disabled individuals using VGT-style electronic bingo machines at UCP Sacramento's bingo  
26    events. For instance, I have been informed and believe that Joan Sebastiani, a plaintiff in this  
27    lawsuit, plays on VGT electronic bingo aids at our events and would not otherwise be able to play  
28    bingo at our fundraisers. I represent an organization whose mission is, in part, to improve access

1 and function in the community for disabled individuals. As such, it is important to me and to  
2 UCP Sacramento that disabled people have the same opportunities to participate in our  
3 fundraising events as able-bodied people do.

4 I declare under penalty of perjury under the laws of the State of California that the  
5 foregoing is true and correct and that this declaration was executed on June 2, 2008 at  
6 Sacramento, California.

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9 DOUG BERGMAN  
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